

Amendments to the Drawings:

No amendments are made to the Drawings herein.

REMARKS

By the foregoing Amendment, Claims 1, 11, 13, 14, 18 and 20-22 are amended, Claim 10 is cancelled and additional Claims 23 and 24 are presented. Entry of the Amendment, and favorable consideration thereof is earnestly requested.

All Claims stand rejected under 35 U.S.C. §103(a) as being unpatentable primarily over Fletcher et al. (U.S. Patent No. 6,022,353) in view of Miller et al. (U.S. Patent No. 5,306,285) and, in some cases, further in view of Arntz et al. (U.S. Patent No. 6,058,923), Nitz et al. (U.S. Patent No. 5,697,835) or Fisher (U.S. Patent No. 5,427,188). Applicant respectfully asks the Examiner to reconsider these rejections in view of the above Amendments and the below Remarks.

The present invention, as claimed, is directed to a tool for making cuts in workpieces, in combination with an apparatus having a power driven output shaft arranged to oscillate about a predetermined axis. The tool includes an elongated member having a rearward first section mounted on the output shaft so that the member extends in a direction at least substantially normal to the predetermined axis, and a forward second section, remote from the first section, and including at least one at least substantially straight elongated cutting edge at least substantially normal to the direction. By the above Amendments, all claims have been amended to further require that the rearward first section include a hole extending therethrough and having a closed rear wall formed by material from which the first section is made, the hole being configured to be mounted on the output shaft. Applicant respectfully submits that none of the cited prior art discloses, teaches or suggests these limitations, either alone or when properly combined.

Fletcher et al. and Miller et al., the two primary references cited by the Examiner, are directed to surgical saw blades adapted for use with surgical saws. The surgical saw blades disclosed in both Fletcher et al. and Miller et al. include an open-ended slot extending at the end of the rearward first section, which slot is configured for engaging the output shaft of the oscillatory drive of the surgical saw. Neither Fletcher et al. nor Miller et al. discloses, teaches or suggests in any way a hole having a closed rear wall extending through the rearward first section of the saw blade, which hole is configured to be mounted on the output shaft, as is required by all claims of the present invention. While both Fletcher et al. and Miller et al. do disclose a plurality of small holes extending in some circular way around the slot to effect a form-fitted connection to the drive shaft of the surgical saw, these holes are not configured to be mounted on the output shaft.

Applicant respectfully submits that since neither Fletcher et al. nor Miller et al. discloses, teaches or suggests a hole having a closed rear wall extending through the rearward first section of the saw blade, which hole is configured to be mounted on the output shaft, neither Fletcher et al. nor Miller et al., either individually or when combined, can anticipate or render obvious the present invention, as claimed.

Moreover, Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to have modified Fletcher et al. and/or Miller et al. to arrive at the claimed invention. As discussed above, Fletcher et al. and Miller et al. are directed to surgical saw blades adapted for use with surgical saws. Such saws are typically used to cut or remove biological materials (e.g., bones or tissue) and/or to cut or remove bandages or the like. Since these materials are not particularly hard or strong, a relatively small amount of torque is created at the juncture between the saw blade and the oscillating drive shaft, and

the open-ended slot configuration of the surgical saw blades is sufficient to withstand this amount of torque. Moreover, the open-ended slot configuration is desirable, for example, to facilitate frequent changing of the surgical saw blades between each use for sterilization purposes.

In view of the lack of any need for a closed-ended hole configuration, one skilled in the art would be provided with no motivation to modify the surgical saw blades of Fletcher et al. and/or Miller et al. to arrive at the claimed invention. Moreover, in view of the benefits of the open-ended slot configuration, and in view of the fact that modifying the surgical saw blades of Fletcher et al. and/or Miller et al. to include a closed-ended hole would also require that the surgical saw itself be substantially modified, one skilled in the art would be taught against modifying the surgical saw blades of Fletcher et al. and Miller et al. to arrive at the claimed invention.

This is true even though saw blades having closed-ended holes configured to be mounted on an output shaft are known, for example, from Nitz et al., since the saw blades having this known configuration are used for completely different purposes than are the surgical saw blades disclosed in Fletcher et al. and Miller et al. More specifically, saw blades similar to those described in Nitz et al. are used in combination with high-power oscillatory drives for cutting wood or other rigid materials, where much higher torque (and therefore, a much stronger blade-shaft interface) is needed to effect cutting than is needed in conjunction with the surgical saws disclosed in Fletcher et al. and Miller et al. Moreover, since the saw blades similar to those described in Nitz et al. are not intended to be used in connection with medical procedures, changing of the blades after each use is not necessary, since sterilization is not a concern.

Thus, Applicant respectfully submits that even though saw blades having closed-ended holes configured to be mounted on an output shaft are known, one skilled in the art would not have modified Fletcher et al. and/or Miller et al. to arrive at the claimed invention, since modifying the surgical saw blades disclosed therein to incorporate such a feature would not only provide no advantages (since a high-torque blade-shaft interface is not necessary in surgical saw blades), but actually would be disadvantageous (since changing of the blades would be much more difficult, thereby impeding sterilization, and since modification of the surgical saw blades would require substantial re-design of the surgical saws themselves to accommodate a new blade design).

Arntz et al. is merely cited as teaching material removing elements comprising diamonds and corundum, and Fisher is cited merely as teaching a tool kit containing a plurality of discrete tools. Applicant respectfully submits that neither reference discloses, teaches or suggests in any way the above-discussed novel elements of all claims, as amended.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1-9, 11 and 13-24, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,



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